



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक ४२]

शुक्रवार, सप्टेंबर २०, २०१९/भाद्र २९, शके १९४१

[पृष्ठे ५, किंमत : रुपये २७.००

असाधारण क्रमांक ८९

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Village Panchayats and Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 2019 (Mah. Ord. XXVI of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

(Translation in English of the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 2019 (Mah. Ord. XXVI of 2019), published under the authority of the Governor).

RURAL DEVELOPMENT DEPARTMENT

Bandhkam Bhavan, 25, Marzban Path, Fort,
Mumbai 400 001, dated the 20th September 2019.

MAHARASHTRA ORDINANCE No. XXVI OF 2019.

AN ORDINANCE

*further to amend the Maharashtra Village Panchayats Act and
the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961.*

WHEREAS both Houses of the State Legislature are not in session ;

AND WHEREAS the Governor of Maharashtra is satisfied that
circumstances exist which render it necessary for him to take immediate action
further to amend the Maharashtra Village Panchayats Act and the Maharashtra
Zilla Parishads and Panchayat Samitis Act, 1961, for the purposes hereinafter
appearing ;

(१)

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 213 of the Constitution of India, the Governor of Maharashtra is hereby pleased to promulgate the following Ordinance, namely :—

CHAPTER I

PRELIMINARY.

Short title and
commence-
ment.

1. (1) This Ordinance may be called the Maharashtra Village Panchayats and the Maharashtra Zilla Parishads and Panchayat Samitis (Second Amendment) Ordinance, 2019.

(2) It shall come into force at once.

CHAPTER II

AMENDMENTS TO THE MAHARASHTRA VILLAGE PANCHAYATS ACT.

Amendment of
section 10-1A
of III of 1959.

2. In section 10-1A of the Maharashtra Village Panchayats Act (hereinafter in this Chapter referred to as "the Maharashtra Village Panchayats Act"), for the existing provisos, the following provisos shall be substituted, namely :—

III of
1959.

"Provided that, for the General or by-elections for which the last date of filing of nomination falls on or before the 30th June 2020, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a member."

Amendment of
section 30-1A
of III of 1959.

3. In section 30-1A of the Maharashtra Village Panchayats Act, for the existing provisos, the following provisos shall be substituted, namely :—

"Provided that, for the elections for the post of *Sarpanch* for which the last date of filing of nomination falls on or before the 30th June 2020, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a *Sarpanch*."

CHAPTER III

AMENDMENTS TO THE MAHARASHTRA ZILLA PARISHADS AND PANCHAYATS SAMITIS ACT, 1961.

Mah. V
of 1962.

4. In section 12A of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 (hereinafter in this Chapter referred to as "the Maharashtra Zilla Parishads and Panchayat Samitis Act"), for the existing provisos, the following provisos shall be substituted, namely :—

Amendment of
section 12A of
Mah. V of
1962.

"Provided that, for the General or bye-elections for which the last date of filing of nomination falls on or before the 30th June 2020, in accordance with the election programme declared by the State Election Commission, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit, within a period of twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Councillor."

5. In section 42 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (6A), for the existing provisos, the following provisos shall be substituted, namely :—

Amendment of
section 42 of
Mah. V of
1962.

"Provided that, for the elections for the post of President for which the last date of filing of nomination falls on or before the 30th June 2020, in accordance with the election programme declared, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit within a period of twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a President."

6. In section 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, in sub-section (7A), for the existing provisos, the following provisos shall be substituted, namely :—

Amendment of
section 67 of
Mah. V of
1962.

"Provided that, for the elections for the post of Chairman for which the last date of filing of nomination falls on or before the 30th June 2020, in accordance with the election programme declared, a person who has applied to the Scrutiny Committee for verification of his Caste Certificate before the

date of filing of the nomination papers but who has not received the Validity Certificate on the date of filing of the nomination papers shall submit, alongwith the nomination papers,—

(i) a true copy of the application preferred by him to the Scrutiny Committee for issuance of the Validity Certificate or any other proof of having made such application to the Scrutiny Committee ; and

(ii) an undertaking that he shall submit within a period of twelve months from the date on which he is declared elected, the Validity Certificate issued by the Scrutiny Committee :

Provided further that, if such person fails to produce the Validity Certificate within a period of twelve months from the date on which he is declared elected, his election shall be deemed to have been terminated retrospectively and he shall be disqualified for being a Chairman.”.

STATEMENT

Sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act (III of 1959) and sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayats Samitis Act, 1961 (Mah. V of 1962) provides that, every person desirous of contesting election to a seat reserved for persons belonging to Scheduled Castes, Scheduled Tribes or, as the case may be, Backward Classes of Citizens, shall submit alongwith the nomination paper, Caste Certificate issued by the Competent Authority and the Validity Certificate issued by the Scrutiny Committee in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001).

2. Taking into consideration the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (Mah. XXIII of 2001) and the rules made thereunder, it is not possible to obtain the Caste Validity Certificate from the Caste Scrutiny Committees in such a short period. This has resulted in difficulties to candidates contesting the Zilla Parishad and Panchayat Samiti and Gram Panchayat elections in obtaining the Caste Validity Certificate from the Caste Scrutiny Committees.

3. In order to ensure that the prospective candidates are not deprived of the opportunity to contest the election for Zilla Parishad and Panchayat Samiti and Village Panchayat for the reserved posts merely because of the non-issuance of the Caste Validity Certificate by the Caste Scrutiny Committee in time, as the Committees are otherwise overburdened with the verification work, the Government considers it expedient to amend the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 with a view to allow the persons desirous of contesting election for reserved seats and who have applied to the Caste Scrutiny Committee for obtaining Caste Validity Certificate to submit the Validity Certificate within twelve months from the date on which they are declared elected. Accordingly, it is consider expedient to amend sections 10-1A and 30-1A of the Maharashtra Village Panchayats Act and sections 12A, 42 and 67 of the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961, suitably.

4. As both Houses of the State Legislature are not in session and the Governor of Maharashtra is satisfied that circumstances exist which render it necessary for him to take immediate action further to amend the Maharashtra Village Panchayats Act and the Maharashtra Zilla Parishads and Panchayat Samitis Act, 1961 for the purposes aforesaid, this Ordinance is promulgated.

Mumbai,
Dated the 20th September 2019.

BHAGAT SINGH KOSHYARI,
Governor of Maharashtra.

By order and in the name of the Governor of Maharashtra,

ASEEM GUPTA,
Principal Secretary to Government.